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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,089	02/17/2004	Arup Acharya	YOR920040040US1	9901
55459	7590	09/17/2007		
GEORGE A. WILLINGHAN, III AUGUST LAW GROUP, LLC P.O. BOX 19080 BALTIMORE, MD 21284-9080			EXAMINER COBURN, CORBETT B	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 09/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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# Office Action Summary

Application No. 10/780,089		Applicant(s) ACHARYA ET AL.	
Examiner Corbett B. Coburn		Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-38 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16-27 and 29-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                                    |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                               | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>17 Feb 04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group II in the reply filed on 25 July 2007 is acknowledged.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13, 14, 16-27 & 29-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 recites, "containing a plurality of game participants". Game participants are humans & therefore cannot be claimed in a patent. Examiner assumes that the claims mean, "containing data on a plurality of game participants."

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 13, 14, 16-27 & 29-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Christofferson et al. (US Patent Number 7,006,616).

**Claims 13, 26:** Christofferson teaches a method for providing simultaneous context based audio interaction among a plurality of participants in a network based gaming environment. Christofferson teaches establishing a network based game environment containing a plurality of game participants (20). Christofferson maintains a game state profile for each one of the game participants and establishes one or more voice over Internet protocol based audio conferences among the game participants based upon the game state profiles. The game state profile includes at least the participant's location in the virtual environment. (Abstract & Col 1, 37-47)

**Claims 14, 27:** Christofferson teaches maintaining a game state profile for each participant in a single centralized game server (100).

**Claims 16, 29:** Christofferson teaches establishing a session initiation protocol based voice over Internet protocol based audio conference. (630)

**Claims 17, 30:** Christofferson teaches determining at least one group of game participants possessing a shared context that permits the transmission or receipt of audio communications among game participants in the group. Christofferson teaches audio among conference participants. This is a shared context.

**Claims 18, 19, 31, 32:** Christofferson inherently teaches modifying the group of participants based upon changes in the game state profiles of game participants in the group. If a participant enters or leaves the conference, a member is added or deleted from the group.

**Claim 20, 21, 33, 34:** Christofferson teaches determining a plurality of groups of participants wherein each group of game participants possessing a shared context that permits the transmission or receipt of audio communications among game participants in that group. Furthermore, Christofferson teaches dynamically switching at least one participant between two distinct groups. (Fig 8) Participants may form multiple groups in a chat room and there may be multiple chat rooms. A participant may move from group to group within a chat room or move to an entirely different chat room.

**Claims 22, 35:** Christofferson teaches delivering an audio signal to each audio conference participant that comprises the sum of all received audio signals from all other audio conference participants. (Col 15, 5-10)

**Claims 23, 24, 36, 37:** Christofferson teaches determining an audio feature vector for each pair of audio conference participants based upon the game state profiles associated with the participants and modifying audio signals transmitted between the pair of audio

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conference participants in accordance with the audio feature vector. Christofferson teaches that the sound heard depends on the position of the various participants.

**Claims 25, 38:** Christofferson teaches changing the sound based on changes in relative position. (Col 3, 43-47) This is modifying the audio feature vector in response to changes in the game state profiles of the audio conference participants.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/  
Primary Examiner  
Art Unit 3714